



MINUTES

BOARD OF SUPERVISORS, COUNTY OF MONO

STATE OF CALIFORNIA

Regular Meetings: The First, Second,
And Third Tuesday of each month

REGULAR MEETING

County Courthouse
Bridgeport, California 93517

June 13, 2006

NOTE: In compliance with the Americans with Disabilities Act if you need special assistance to participate in this meeting, please contact the Clerk of the Board at (760) 932-5534. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (See 42 USCS 12132, 28CFR 35.130).

Full agenda packets are available for the public to review in the Office of the Board of Supervisors in Bridgeport, California and in the County Offices located in Minaret Mall, 2nd Floor, Mammoth Lakes, California. **ON THE WEB:** You can view the upcoming agenda at www.monocounty.ca.gov.

9:02 a.m. Call meeting to Order by Chairman Farnetti

Pledge of Allegiance led by Supervisor Hunt

No one spoke

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD on items of interest of the public that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.)

Approximately
15 minutes

DEPARTMENT REPORTS/EMERGING ISSUES

(PLEASE LIMIT COMMENTS TO FIVE MINUTES EACH)

Christy Robles, Newly appointed Acting Clerk, I'm pleased to report on our successful Primary Election of June 6th.

PASS OUT CANVASS OF VOTES

Turnout reported at almost 50%

Absentees accounting for 13.9% of the vote

Also, for the first time, our election results are posted LIVE!!!! @ www.monocounty.ca.gov on the Elections page.

As you are aware, it takes more than one person to conduct an election. I would like to take a moment to thank the participants who helped in this process:

- The **Clerk-Recorder staff** who provided weeks and months of support
- **Keith Park**, of the IT Dept, who was our computer expert. He was responsible for the testing of the election equipment, software and upgrades, the electronic tally on Election night, as well as many hours of behind the scenes work.
- **Clay Neely**, Director of the IT Department, and his entire staff who dedicated two whole days for election delivery, set-up and on-site support
- **Ralph Obenberger**, of the Sheriff's Department, and his staff for providing reliable and timely delivery of equipment following the election

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- **Gwen Plummer**, South County employee, who graciously agreed to coordinate the election activity at the Mammoth Community Center which contains five combined precincts and high voter traffic. She did an outstanding job- stayed cool, calm, collected and kept our voters appeased.
- **LAST BUT NOT LEAST**, our countywide poll-workers who have basically volunteered their time to work a 16-hour shift for measly pay but mostly for civic duty and a sense of giving to their community.

Following the Election, I met with the IT Department to discuss how we can better conduct the November General Election. We discussed:

1. power-outages and either backup generators or UPS support,
2. increased security of equip. at polling locations prior to the election,
3. increased communication between the precincts and the Elections Office,
4. pick up of old election equipment throughout the county,
5. and the possibility of purchasing more election machines/printers for increased voter volume.

Overall, this Election was a complete success! With that said, we've already begun the process for the November General Election.

- Filing period for Supervisor, District Four opened yesterday

Entered Closed Session at 9:15 a.m. to 10:11 a.m.

Recess taken from 10:12 a.m. to 10:23 a.m.

BOARD MEMBER REPORTS

THE BOARD MAY, IF TIME PERMITS, TAKE BOARD REPORTS AT ANY TIME DURING THE MEETING AND NOT AT A SPECIFIC TIME.

UNLESS OTHERWISE SPECIFIED BY TIME, ITEMS SCHEDULED FOR EITHER THE MORNING OR AFTERNOON SESSIONS WILL BE HEARD ACCORDING TO AVAILABLE TIME AND PRESENCE OF INTERESTED PERSONS. PUBLIC MAY COMMENT ON AGENDA ITEMS AT THE TIME THE ITEM IS HEARD.

Byng Hunt:

- May 19th LADWP meeting
- Great Basin Air Pollution Control District (5/23 meeting- first Board meeting held out of Auburn will be held somewhere in our area.
- Davison Street remodel
- Mental Health Act- 5 new positions
- New members on Mental Health Advisory Board
- 5/24 Mammoth Lakes Housing open house
- Conway Ranch Aquaculture Meeting

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Hap Hazard:

- 6/8 Planning Commission workshop; Right to farm ordinance
- EMS for Tri-Valley; put together a Citizens Working Group 9/23 at the Chalfant Valley Community Center

Chairman Farnetti:

- LAFCO Meeting; confirmed the appointments of the Chair and Vice-Chair- public hearing of 2006/07 budget which is 26,500 shared 50/50 with Town
- Call from Mike Marzano about the progress on Tioga Pass
- Ran into Paramedic coordinator- spent about 45 minutes with him

Vikki Bauer:

- Son went missing
- MSPC dinner, before the election, dinner
- Stayed late and watched the election- it went great
- June Lake population study passed out to the Board
- Tioga Pass- down to 4 avalanche zones
- CSAC Board of Directors meeting tomorrow
- YARTS will have to have an emergency meeting

COUNTY ADMINISTRATIVE OFFICE

- 1) CAO Report and Tracking Report re Board Assignments **(David Wilbrecht)**
ACTION: Receive brief oral report by County Administrative Officer (CAO) regarding his activities. Review and potentially revise Tracking Report of Board assignments @ 2:55 p.m.
 - MOU with the church; potential split of the property would be
 - Working with Julie Tiede of Child Support- thinking about terminating contract with Inyo County (expiring this month). We will become our own entity. We contacted the State and are still very interested in regionalization. They came out with myself and Julie and Director for Inyo County. We set out our concerns.
 - Meeting with Fire/Paramedic Chief; Benton meeting to discuss paramedic services
 - Working closely with Supervisor Bauer re: June Lake Coalition
 - Sierra Center Mall appointment with Farnetti and Hunt
 - Town County Liaison Meeting- consider 6/16 at 3:00 p.m.
 - Department Directors Meeting in Bridgeport
 - Thank you, very much, Christy. I commend her on a job well done for the

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Election last Tuesday

CLOSED SESSIONS

- 2) CONFERENCE WITH LABOR NEGOTIATORS. Government Code §54957.6. Agency designated representatives: David Wilbrecht, Marshall Rudolph, and Robert Garret. Employee organizations: Local 39 (MCPE, DPOU), Paramedic Fire and Rescue Association, Sheriff's Officers' Association (DSA), Sheriff Department Management Association, Public Safety Officers Association, Management Council. Unrepresented employees: County Administrator, County Counsel, Deputy County Counsel, Clerk-Recorder, Finance Director, Mental Health Director, Social Services Director, Public Health Director, Health and Human Services Director, Deputy county Administrative Officer/Human Resources Director; Deputy County Administrative Officer/Risk Manager; Health Officer, Psychiatrist, Assistant Public Works Director, Project Manager, Assistant District Attorney, District Attorney Chief Investigator, Assistant Treasurer-Tax Collector, Assistant Auditor-Controller, IT Director, Building Official, Budget & Organization Analyst, Assistant Clerk-Recorder, Probation Officer, and Child Support Director, Undersheriff, Paramedic/Fire Chief, Assistant Assessor, and Health and Human Services Director of Financial Services.
- 3) Conference with Legal Counsel – Initiation of litigation pursuant to subdivision (c) of Government Code section 54956.9. Number of potential cases: one.
- 4) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9. Number of potential cases: one.
- 5) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property: Sierra Centre Mall (452 Old Mammoth Road, Mammoth Lakes, CA). Agency negotiators: Dave Wilbrecht and Marshall Rudolph. Negotiating parties: Mono County and Doheny Enterprises LLC. Under negotiation: price and terms of payment.
- 6) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Property: Conway Ranch (North Mono Basin). Agency negotiators: Dan Lyster and Marshall Rudolph. Negotiating parties: Mono County and Inland Aquaculture Group LLC. Under negotiation: price and terms of payment.
- 7) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to subdivision (c) Government Code section 54956.9. Number of potential cases: two.
- 8) **APPROVAL OF MINUTES:**
Regular Meeting of May 9, 2006

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1500 Fine Fund was approved. Error in the year (given to the Clerk by the Inyo-Mono Fish and Game Fine Fund).
(Bauer/Hunt 4-0)

CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item)

BOARD OF SUPERVISORS

- 9) Inyo-Mono Fish and Game Advisory Commission
M06-93 ACTION: Approve and authorize \$1500 expenditure from the Fish and Game Fine Fund for FY 2005/06.
(Bauer/Hunt 4-0)

REGULAR AGENDA

MENTAL HEALTH / HEALTH AND HUMAN SERVICES

- 10a) Contract with Mar Ric Residential Treatment Facility **(Ann Gimpel)**
M06-94 ACTION: Approve County entry into a proposed two-year contract with Mar-Ric, LLC for transitional and recovery residential treatment services and authorize Board Chair to sign said contract on behalf of Mono County.
(Bauer/Hazard 4-0)

Ann Gimpel presented.

- 10b) Contract with Symons Emergency Specialists **(Ann Gimpel)**
M06-95 ACTION: Approve County entry into a proposed two-year contract with Symons Emergency Specialties for emergency transport of 5150 clients to acute care psychiatric hospitals and authorize the Board Chair to sign said contract on behalf of Mono County.
(Hazard/Hunt 4-0)

Ann Gimpel presented.

- 10c) Contract for Computer Services **(Tom Wallace)**
M06-97 ACTION: Approve and authorize the Chairman's signature on a proposed contract with ECHO Consulting Services of California, Inc. for computer services.
(Hazard/Hunt 4-0)

Tom Wallace presented.

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10d) Contract with Communicare (**Ann Gimpel**)

M06-96

ACTION: Approve County entry into a proposed two-year contract with Communicare for an after-hours Medi-Cal information telephone answering service and authorize the Board Chair to sign said contract on behalf of Mono County.
(Hunt/Bauer 4-0)

Ann Gimpel presented.

COUNTY COUNSEL

11) Sierra Centre Mall Leases (**Marshall Rudolph**)

Tape 2 of 2
2:30 p.m.

M06-101

ACTION: Authorize Board Chair's signature on Estoppel Certificates and Subordination, Non-Disturbance, and Attornment agreements for each space currently leased by the County in the Sierra Center mall when and if such documents have been approved as to form by County Counsel and contingent upon execution of a settlement agreement with Sierra Centre LLC pertaining to certain disputed issues between the parties.
(Hunt/Hazard 4-0)

Consider request by Mammoth Sierra Centre LLC that the County execute Estoppel Certificates and Subordination, Non-disturbance, and Attornment Agreements for each space currently leased by the County in the Sierra Centre Mall in Mammoth Lakes. Authorize the Chair's signature on all of the above-listed documents, with such revisions, if any, that the Board deems appropriate.

Deferred to later this afternoon. 2:30 p.m. The new landlord is selling the building. The tenant doesn't have any outstanding issues/disputes with the landlord. In the event that the landlord defaults, the landlords lender can step into the lease (as the landlord). We have had some disputed issues but of which we have reached a tentative settlement with. With that settlement, we would be comfortable authorizing the execution of these certificates once they've been put into a form that is acceptable by our office.

Approximately
10 Minutes

AUDITOR/CONTROLLER – COUNTY COUNSEL

MINUTES

- 12) 457 Deferred Compensation Plan (**Stacey Simon**)
M06-98 **ACTION:** (1) Adopt Section 457(b) Deferred Compensation Plan Document amending and restating the Plan Document previously established by Mono County as the Plan Document for deferred compensation accounts administered by AIG VALIC. Authorize Board Chair to sign the amended and restated Plan Document. (2) Direct staff to work with representatives from The Hartford, Nationwide Retirement Solutions, and any new 457(b) plan provider to enable those entities to administer their 457(b) deferred compensation programs for Mono County employees in accordance with the above Plan Document. Authorize the County Administrative Officer, in consultation with County Counsel, to sign any documents necessary to accomplish same.
(Bauer/Hunt 4-0)

Stacey Simon addressed the Board. Every 457 plan document is the same thing but with slightly different language and more hassle. We didn't amend Nationwide and Hartford accordingly. I looked at 4 plan documents and tried to compare them. Two documents are exactly the same (specimen document).

Approximately
15 Minutes

TREASURER / TAX COLLECTOR

- 13) Appeal by Fern Creek Motel of Transient Occupancy Tax (TOT) Audit (**Mark Magit and Rosemary Glazier**)
M06-99 **ACTION:** Consider Fern Creek Motel's appeal of transient occupancy tax audit findings and determinations after review conducted by the Treasurer/Tax-Collector; Waive portion of penalties of \$3013.48 for those months that payments were made (reduction from \$5,880.00) for a total amount due of \$25,692.81. The Board allows an interest-free payment plan and/or file a lien against the property.
(Bauer/Hazard 4-0)

Mark Magit addressed the Board. Proprietor, Ms. Hart, is present today and requesting a payment plan. As a result, a delinquency was found in part due to record keeping that needs to be improved (currently working on that) and couple of months where the payment was not made for the quarter. The Board has the ability to waive penalties but not interest. We would agree to waive the penalty except for those months when no payment was made. That amount total \$18,235.33 of prin. And penalty of \$3013.48 as a reduction from \$5,880.00. 4486.60 of interest. There was an overpayment (backed out interest from that payment). Total due of \$25,692.81. Rose Glazier addressed the Board. The hotel is up for sale and we would like to file a lien.

Entered into Closed Session at 10:57 a.m. to 10:40 a.m.

Approximately
20 Minutes

IT / COMMUNITY DEVELOPMENT

MINUTES**14a)****Land Tenure Workshop (Nate Greenberg, Scott Burns)**

ACTION: Conduct workshop. Provide direction concerning county-owned lands appropriate for exchange.

Scott Burns addressed the Board. This is an ongoing process. We're cooperating with a number of agencies. We need to put some of our cards on the table. We need to come up with our list. Nate Greenberg- Potential lands presented to the Board:

- Topaz/Coleville area
- Bridgeport
- Bodie area
- Parcel on 167
- Conway Ranch area

Total of 24 parcels. We're setting the stage. Research the titles on the deeds must be done. Rudolph: Conway Ranch is heavily restricted. I don't know if there's a restriction on selling it. Farnetti: There needs to be some additional staff work on this. More information on the 796 acres, question about the 160 acres in Lee Vining, etc. I'm in favor of moving forward. Hazard: We'll take this one step at a time. Please explore this and bring it back to the Board. Scott Burns: We are to present this list to the inter-agency committee and let them know there are conditions. Farnetti: Do we have other locations (Bridgeport Park)?

14b)**Inyo County Contract; GIS Services (Clay Neely)****M06-100**

ACTION: Approve and authorize Chairman's signature on the GIS/WEB contract with Inyo County.
(Hunt/Hazard 4-0)

Clay Neely presented. Inyo County has a GIS system and approached us to host a website for them. It will take 4-5 hours to set up and willing to pay \$2,000 a year to do so. They will maintain the site once it is set up.

Lunch recess 11:57 a.m. to 1:07 p.m.

~ LUNCH RECESS ~

1:00 p.m.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD on items of interest of the public that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.)

No One spoke.

Public Hearing

Approximately
15 Minutes

COMMUNITY DEVELOPMENT, COUNTY COUNSEL

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- 15)** Public Hearing Regarding Proposed Ordinance Providing Housing Mitigation and Affordable/Workforce Housing Requirements on New Development **(Larry Johnston, Scott Burns, and Mark Magit)**
Ord06-06

ACTION: Adopt proposed ordinance adding Chapter 15.40 to Title 15 of the Mono County Code to provide an ordinance that will require housing mitigation requirements for all new construction and property development including inclusionary housing requirements, housing mitigation fees, and related housing mitigation requirements; certify compliance with CEQA.

(Hunt/Bauer 4-0)

Larry Johnston presented. Flow chart shown for projects and thresholds for: Single family subdivision, single family dwelling, multifamily condo, and nonresidential (commercial). Mark Magit addressed the Board. Housing Mitigation Ordinance was read previously. The housing element has been updated. We've tried to give the public every avenue to participate. Bauer: Read a letter into the record from June Lake Economic Development asking if there is an option to modify or to be flexible.

Public hearing opened at 1:17 p.m. No one spoke. We will bring this back to the Board for final determination.

Approximately
15 Minutes

ECONOMIC DEVELOPMENT / COUNTY COUNSEL

- 16)** Proposed Ordinance **(Marshall Rudolph, Dan Lyster)**
ACTION: Introduce, read title, and waive further reading of proposed ordinance authorizing County entry into a proposed Conway Ranch Aquaculture Agreement pursuant to Article 7.5, Division 2, Title 3 of the California Government Code.

Marshall Rudolph presented. This, too, has been a long process. Tim Alpers, principal owners, spoke to the Board. Approximately 1 year ago (with a Resolution) to consider proposals re: fishing on Conway Ranch. Requests for proposals were sent and directed some fisheries commissioners to negotiate over many months.

Clarification needed on proposed Ordinance. I advise that you not take the action before you. We'll go back to the bargaining table. Farnetti: We will defer this action until next week.

Approximately
30 Minutes

COUNTY ADMINISTRATION / COUNTY COUNSEL

- 17a)** Collective bargaining agreement **(Marshall Rudolph, Dave Wilbrecht, Bob Garret)**
R06-55 **ACTION:** Adopt a Resolution adopting and approving a Memorandum of Understanding between the County and Local 39, majority representative of the Deputy Probation Officers Unit (DPOU).
(Hazard/Hunt 4-0)

Marshall Rudolph presented. We have three MOU's for ratification after the long meet and confer statuses. We have reached final versions of new MOU's. Wilbrecht: We've got that many people at the table that are agreeing. We will have to balance costs, later, against services. The Board recognized the value in employees. Five years is a good period to work through a contract.

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17b) Collective bargaining agreement **(Marshall Rudolph, Dave Wilbrecht, Bob Garret)**
R06-56 ACTION: Adopt a proposed resolution adopting and approving a Memorandum of Understanding between the County and Local 39, majority representative of the Mono County Public Employees (MCPE) bargaining unit.
(Hunt/Bauer 4-0)

17c) Collective bargaining agreement **(Marshall Rudolph, Dave Wilbrecht, Bob Garret)**
R06-57 ACTION: Adopt a proposed resolution adopting and approving a Memorandum of Understanding between the County and the Mono County Public Safety Officers' Association.
(Bauer/Hunt 4-0)

17d) Proposed MOU **(Marshall Rudolph, Dave Wilbrecht)**
R06-58 ACTION: Adopt **Resolution** approving and authorizing the County Administrative Officer to execute a memorandum of understanding (MOU) among the County, the Town of Mammoth Lakes, the Southern Mono Healthcare District, and the Mammoth Community Church.
(Hunt/Bauer 4-0)

Tape 2 of 2

2:20 p.m. David Wilbrecht presented. The intent is to purchase the exchange parcel between Sierra Manor Rd. and Main St. As a resident, they are treated like any other entity. The hospital worked closely with the church for the use of that property. There is an agreement to use their site. If we can't find a site for them, off-site, then we would develop a common area. If this were a boyscout camp or bakery, we would be in the same place as we're in now. Over time, we would like to see this site utilized for municipal purposes. In the interim, the first building is the public safety building. The second would be a facility by the courts itself. One is a municipal facility for the Town and one ultimately for the County between 5-10 years. The hospital has a need for parking. Our goal would be to complete the exchange by Fall (been in process since 2001). Hunt: We're proceeding in this direction mainly to keep our options open for space needs in the future.

Defer until after Closed Session

Entered into Closed Session at 1:36 p.m. to 2:20 p.m. No reports.

17e) A Resolution amending the Management Compensation Policy **(Bob Garret)**
R06-59 ACTION: Adopt the **Resolution** updating and amending the County policy regarding the compensation of management level officers and At-will employees.
(Bauer/Hazard 4-0)

Robert Garret presented. This would put into structure the mechanism to formally hire a Director of Finance. Other amendment sets the Fire and Rescue Department chief at 75% of Sheriff-Coroner. Wilbrecht: Point of clarification- This doesn't become a real position until next year to be appointed later.

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Adjourn regular meeting to recommence immediately following the Housing Authority Meeting @ 2:35 p.m.

***Adjourn meeting to attend
Housing Authority Meeting @ 2:00 pm***

Reconvene meeting at 2:53 p.m.

Adjourned at 3:20 p.m.

ADJOURNMENT

Adjourn meeting and reconvene in regular session of **June 20, 2006**, at the hour of 9:00 a.m. in the Board Chambers, County Courthouse, Bridgeport, California.

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